

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,  
JINGER VUOLO, and JOY DUGGAR**

**PLAINTIFFS**

**vs.**

**CASE NO. 5:17-cv-5089-TLB**

**CITY OF SPRINGDALE, ARKANSAS;  
WASHINGTON COUNTY, ARKANSAS;  
KATHY O'KELLEY, in her individual and  
official capacities;  
ERNEST CATE, in his individual and official capacities;  
RICK HOYT, in his individual and official capacities;  
STEVE ZEGA, in his official capacity;  
BAUER PUBLISHING COMPANY, L.P.;  
BAUER MAGAZINE, L.P.;  
BAUER MEDIA GROUP, INC.;  
BAUER INC.;  
HEINRICH BAUER NORTH AMERICA, INC.;  
BAUER MEDIA GROUP USA, LLC; and  
DOES 1-10, inclusive**

**DEFENDANTS**

**PLAINTIFFS' RESPONSE TO MOTION TO STAY ON BEHALF OF SEPARATE  
DEFENDANTS CITY OF SPRINGDALE; ERNEST CATE, IN HIS INDIVIDUAL  
AND OFFICIAL CAPACITIES; and KATHY O'KELLEY,  
IN HER INDIVIDUAL AND OFFICIAL CAPACITIES**

Plaintiffs Jill Dillard; Jessa Seewald; Jinger Vuolo; and Joy Duggar, for their Response to Motion to Stay on Behalf of Separate Defendants City of Springdale; Ernest Cate, in His Individual and Official Capacities; and Kathy O'Kelley, in Her Individual and Official Capacity<sup>1</sup> state as follows.

1. In their Motion to Stay, Separate Defendants City of Springdale; Ernest Cate, in his individual and official capacities; and Kathy O'Kelley, in her individual and official capacities ask this Court to stay this entire lawsuit pending resolution of their Motion to Dismiss

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<sup>1</sup> Doc. 23.

on immunity grounds and to stay proceedings during the pendency of any subsequent interlocutory appeals that may follow.

2. Plaintiffs do not object to a stay of proceedings during the pendency of the Motion to Dismiss on immunity grounds.

3. However, it is premature at this juncture for this Court to order a stay of proceedings during the pendency of any potential interlocutory appeals that may follow the Court's ruling on Defendants' pending Motion to Dismiss on immunity grounds.

4. Plaintiffs reserve the right to revisit the issue of staying proceedings during an interlocutory appeal after this Court has ruled on Defendants' pending Motion to Dismiss on immunity grounds and after a notice of appeal has been filed, when and if the issue becomes ripe for consideration.

5. Further, the requested stay seeks to stay requests for public records pursuant to the Freedom of Information Act ("FOIA requests") as well as discovery. Even if a stay of discovery might be appropriate at some point, FOIA requests should not be subject to a stay in these proceedings, as FOIA requests are not part of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiffs respectfully request this Court 1) defer any ruling on the issue of whether to stay proceedings during any appeal of the ruling on the Motion to Dismiss until the issue becomes ripe for consideration; and 2) in any case, further pray this Court determine that FOIA requests would not be subject to any stay in these proceedings.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Shawn Daniels, do hereby certify that on the 13<sup>th</sup> day of July, 2017, a true and correct copy of the above and foregoing Response to Motion to Stay was filed with the Clerk via the CM/ECF system, which will send notification of filing to the following:

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